

SCHEDULE NR INSTRUCTIONS 2011

(Rev. 8/11/11)

IMPORTANT INFORMATION BEFORE YOU BEGIN

- **Use Schedule NR if you are a nonresident or filing as a part year resident.**
- **Check the Schedule NR box on the front of the SC1040.**
- **Attach Schedule NR and a copy of your federal return to your completed SC1040.**
- **Do not submit Schedule NR separately.**
- **We are unable to process your return if Schedule NR is submitted separately and without a social security number or individual taxpayer identification number (ITIN).**

ITIN – INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER:

It is mandatory that you provide your social security number on this tax form. If you are a nonresident or resident alien and cannot get a Social Security number, you may contact the Internal Revenue Service to apply for and obtain an Individual Taxpayer Identification Number (ITIN) for the purpose of filing income tax returns. South Carolina will accept this number in lieu of a Social Security number for the purposes of processing your individual income tax returns. For information on obtaining an ITIN, please contact the Internal Revenue Service at 1-800-829-1040 or www.irs.gov.

LINE INSTRUCTIONS FOR SCHEDULE NR

The references to form numbers and line descriptions on federal income tax forms were correct at the time of printing. If they have changed and you are unable to determine the proper line to use, please contact the Department of Revenue. These instructions are to be used as a guide in the preparation of the South Carolina Schedule NR and are not intended to cover all provisions of the law.

INCOME AND EXCLUSIONS

For lines 1-15 enter on the appropriate lines of Schedule NR all income and losses.

- Indicate losses by placing the figure in brackets.
- Enter in Column A your total income as reported on your federal return.
- Enter in Column B only the income subject to South Carolina income tax.
- Round-off all amounts to the nearest whole dollar.

Income on lines 1-15 must be modified in some cases. The following line by line instructions provide explanations of the amount to be entered in Column B.

Line 1 - WAGES, SALARIES, TIPS, etc.

Enter in Column B wages, salaries, tips or other compensation you received as an employee reported as South Carolina income on your W-2s and wages you earned while a resident of South Carolina. **If you are a nonresident servicemember, see below:**

Do not include in Column A:

- military compensation paid to a servicemember who maintains domicile in another state.

Do not include in Column B:

- military compensation paid to a servicemember who maintains domicile in another state.
- income for services performed in South Carolina by the spouse of a servicemember under the provisions of the Federal Military Spouses Residency Relief Act if:
 - The state where the servicemember and spouse are living is not the domicile of the spouse
 - The spouse is in South Carolina solely to be with the servicemember
 - The servicemember is in South Carolina as a result of military orders; and
 - The spouse and servicemember both have the same domicile

For additional information on the Federal Military Spouses Residency Relief Act see **SC Revenue Ruling #10-5** on our website www.sctax.org >Law & Policy >Dept. Advisory Opinions. Do not make an adjustment if South Carolina is the state of legal domicile.

Lines 2 AND 3 - TAXABLE INTEREST AND DIVIDENDS

Generally, interest, dividend income and interest from other state's obligations are taxable by South Carolina only for the time you were a resident of South Carolina. Interest connected with a trade or business in South Carolina should be included in Column B regardless of state of residency. Do not include in Column B interest income from U.S. or South Carolina obligations.

Line 4 - TAXABLE REFUNDS, CREDITS, OR OFFSETS OF STATE AND LOCAL INCOME TAXES

Refund of state and local income tax(es) is not taxable under South Carolina income tax law. Enter the amount from federal Form 1040 in Column A. Do not enter an amount in Column B.

Line 5 - ALIMONY RECEIVED

Alimony received is taxable to South Carolina only for the time you were a resident of South Carolina. Enter this amount in Column B.

Line 6 - BUSINESS INCOME OR (LOSS)

Enter in Column B only the income or loss incurred from businesses located within S.C. Indicate business losses in brackets. **NOTE:** As of January 1, 2009, a business must add back any amount paid for services performed by an unauthorized alien if the amount is \$600 or more a year. An "unauthorized alien" is a person who is not admitted for permanent residence and not authorized to be employed either under federal law or by the U.S. Attorney General. An add-back is not required if: (1) the business is a S.C. business exempt from compliance with federal employment verification procedures under federal law; or (2) the person being paid is not directly paid or employed by the business; or (3) the employment status of the person is verified using the procedures contained in the new law; or (4) the person was hired by the taxpayer before January 1, 2009; or (5) the business made a reasonable investigation of the person and did not know or should not have known that the person was an unauthorized alien.

Lines 7 and 8 - CAPITAL GAIN OR (LOSS) AND OTHER GAINS OR (LOSSES)

Gains or losses from the sale of real property (such as land or buildings) located in South Carolina must be reported in Column B. Indicate losses in brackets. Gains or losses from property other than real property (such as stocks or bonds)

sold while a resident of South Carolina must also be included in Column B. Any gain or loss reported in Column B must be supported by the appropriate federal schedules showing location of business or property.

Lines 9 and 10 - TAXABLE AMOUNTS OF IRA DISTRIBUTIONS, PENSIONS AND ANNUITIES

Report in Column B, taxable amounts while a resident of South Carolina.

Line 11 - RENTAL REAL ESTATE, ROYALTIES, PARTNERSHIPS, ESTATES, TRUSTS, ETC.

Enter in Column B, only the income or loss from **property located in South Carolina and/or from doing business in South Carolina**. Indicate losses in brackets.

Line 12 - FARM INCOME OR (LOSS)

Enter in Column B only the income or loss incurred from a farm located within South Carolina. Indicate your farm loss in brackets.

NOTE: As of January 1, 2009, a S.C. business must add back any amount paid for services performed by an unauthorized alien if the amount is \$600 or more a year. See line 6 instructions for more information.

Line 13 - UNEMPLOYMENT COMPENSATION

Enter in Column B the portion of unemployment compensation paid from South Carolina or received while a resident of South Carolina.

Line 14 - TAXABLE AMOUNT OF SOCIAL SECURITY BENEFITS

Social Security and railroad retirement are not taxed by South Carolina. Do not enter any of these amounts in Column B.

Line 15 - OTHER INCOME

Enter in Column B any other income for which there is no line provided on the return. Other income includes prizes, awards, gambling winnings, director's fees, etc. earned while a resident of South Carolina or from sources within South Carolina.

Net operating losses may be claimed on line 15 by inserting "NOL" in the margin and entering the loss in Column B. **Attach a schedule detailing the loss. South Carolina does not allow carryback of net operating loss (NOL).**

Line 16 - TOTAL INCOME

Total each column of figures from A and B, lines 1 through 15. Enter the amounts in the appropriate columns on line 16.
NOTE: Subtract items in brackets.

ADJUSTMENTS TO INCOME

This section involves federal adjustments to gross income. Enter amounts from your federal return in Column A. Enter the portion that applies to South Carolina in Column B. The SC adjustments in lines 17-30 cannot exceed 100% of the federal adjustment.

Line 17 - EDUCATOR EXPENSES

If you qualify for an educator expenses deduction for federal purposes, you are allowed a deduction in Column B. Use the following formula:

$$\frac{\text{SC Total Income (line 16, Column B)}}{\text{Federal Total Income (line 16, Column A)}} \times \text{Line 17 Column A} = \text{SC Adjustment in Column B}$$

Line 18 - CERTAIN BUSINESS EXPENSES OF RESERVISTS, PERFORMING ARTISTS AND FEE-BASED GOVERNMENT OFFICIALS

$$\frac{\text{SC Total Income (line 16, Column B)}}{\text{Federal Total Income (line 16, Column A)}} \times \text{Line 18 Column A} = \text{SC Adjustment in Column B}$$

Line 19 - HEALTH SAVINGS ACCOUNT

$$\frac{\text{SC Compensation}}{\text{Federal Compensation}} \times \text{Line 19 Column A} = \text{SC Adjustment in Column B}$$

Compensation includes wages, salaries, commissions, tips, professional fees, bonuses, and other amounts you received for providing personal services including self-employment income.

Line 20 - MOVING EXPENSES

If you had allowable moving expenses on your federal Form 1040 and if **your move was into or within South Carolina, you are allowed a full moving expense adjustment in Column B**. If you moved out of South Carolina, your expenses are not deductible.

Lines 21 through 23

If you have self-employment income derived from other states as well as South Carolina, use the following formula to prorate the federal adjustment reported in Column A in order to determine the South Carolina adjustment in Column B.

$$\frac{\text{SC self-employment income}}{\text{Total self-employment income}} \times \text{Federal Adjustment Column A} = \text{SC Adjustment in Column B}$$

Line 24 - PENALTY ON EARLY WITHDRAWAL OF SAVINGS

Enter in Column B any penalty for early withdrawal of savings taxable to South Carolina.

Line 25 - ALIMONY PAID

If you paid alimony which qualified as an adjustment for federal tax purposes, you may take an adjustment in Column B. Use the following formula:

$$\frac{\text{SC Total Income (line 16, Column B)}}{\text{Federal Total Income (line 16, Column A)}} \times \text{Line 25 Column A} = \text{SC Adjustment in Column B}$$

Line 26 - IRA DEDUCTION

To compute the IRA adjustment for Column B you must use the percent that your South Carolina compensation bears to your federal compensation. Use the formula below:

$$\frac{\text{SC Compensation}}{\text{Federal Compensation}} \times \text{Line 26 Column A} = \text{SC Adjustment in Column B}$$

Compensation is defined in the instructions to line 19.

Line 27 - STUDENT LOAN INTEREST DEDUCTION

If you qualify for a student loan interest deduction for federal purposes, you are allowed a deduction in Column B. Use the following formula:

$$\frac{\text{SC Total Income (line 16, Column B)}}{\text{Federal Total Income (line 16, Column A)}} \times \text{Line 27 Column A} = \text{SC Adjustment in Column B}$$

Line 28 - TUITION AND FEES DEDUCTION

If you qualify for tuition and fees deduction for federal purposes, you are allowed a deduction in Column B. Use the following formula:

$$\frac{\text{SC Total Income (line 16, Column B)}}{\text{Federal Total Income (line 16, Column A)}} \times \text{Line 28 Column A} = \text{SC Adjustment in Column B}$$

Line 29 - DOMESTIC PRODUCTION ACTIVITIES DEDUCTION

Domestic Production Activities are not deductible under South Carolina Law. Enter the amount from your federal form in Column A. Do not enter an amount in Column B.

Line 30 - OTHER ADJUSTMENTS TO INCOME

Enter in Column B any federal adjustment to income for which there is no line provided.

Line 32 - ADJUSTED GROSS INCOME

To determine your federal adjusted gross income, subtract the figure on line 31, Column A, from the amount on line 16, Column A. Enter this figure on line 32, Column A. This amount should be the same as the adjusted gross income amount on your federal tax return.

To determine your South Carolina adjusted gross income, subtract the amount on line 31, Column B, from the amount on line 16, Column B. Enter this figure on line 32, Column B.

SOUTH CAROLINA ADJUSTMENTS**Line 33 - SOUTH CAROLINA ADDITIONS TO INCOME**

Attach an explanation of your entry for this line. Taxpayers that claim bonus depreciation under federal law must add back the difference between the bonus depreciation taken and the depreciation which would have been allowed without bonus depreciation. A charitable contribution deduction under IRC Section 170 for a gift of land must be added back unless the contribution also meets the requirements of S.C. Code Section 12-6-5590. Withdrawals from Catastrophe Savings Accounts are taxable in the amount by which they exceed qualified catastrophe expenses.

SOUTH CAROLINA SUBTRACTIONS**Line 34 - NET CAPITAL GAIN DEDUCTION**

Net capital gains which have been held for a period of more than one year and have been included in the SC taxable income are reduced by 44% for SC income tax purposes.

The term "**net capital gain**" means the **excess** of the **net long-term** capital gain for the taxable year **over** the **net short-term** capital loss for such year. Income received from installment sales as well as capital gain distribution qualifies for this deduction **provided the more than one year holding period has been met**. South Carolina Capital Gains holding period is the same as the federal holding period. Multiply the net gain which meets the above guidelines by 44% (.44) and enter the results on this line.

Example: Taxpayer's gain on stock (held more than one year) is \$10,000. Also reported is a short term (ST) loss on stock held for six months of \$5,000 and a long term (LT) loss on stock which amounts to \$3,000.

SC Net LT Capital Gain (more than one year)	\$ 7,000	(10,000 gain - 3,000 loss)
- SC Net ST Capital Loss	-	5,000 (one year or less)
SC Net Capital Gain		\$2,000
Net LT Capital		
X Gain Deduction		X 44%
Amount to be deducted		\$880

Line 35 - RETIREMENT DEDUCTION FOR SOUTH CAROLINA RESIDENTS

South Carolina taxes retirement received during the time you were a resident of this state.

Up to \$3,000 of qualified taxable retirement income is deductible for resident taxpayers under age 65. Up to \$10,000 of qualified taxable retirement income is deductible for resident taxpayers age 65 and older.

Line 35a applies to the taxpayer whose name appears first on the return. Line 35b applies to the spouse whose name appears second on the return.

To claim the deduction on line 35c, a surviving spouse must receive the deceased spouse's qualified taxable retirement income as a surviving spouse. The surviving spouse retirement deduction is in addition to the **individual** retirement deduction from his or her own plan. Enter the date of birth of the deceased spouse. **See next page for retirement worksheets.**

Worksheet for Taxpayer line 35a:

1. Maximum deduction allowed for taxpayer based on age (\$3,000 or \$10,000). 1. _____
2. Taxpayer's individual qualified retirement income included in federal form (taxable IRA Distributions, Pensions & Annuities). 2. _____
3. Amount on line 1 or 2, whichever is smaller. Enter on line 35a. 3. _____

Worksheet for Spouse line 35b:

1. Maximum deduction allowed for spouse based on age (\$3,000 or \$10,000). 1. _____
2. Spouse's individual qualified retirement income included in federal form (taxable IRA Distributions, Pensions & Annuities). 2. _____
3. Amount on line 1 or 2, whichever is smaller. Enter on line 35b. 3. _____

Worksheet for Surviving Spouse line 35c:

NOTE: Calculate separately for each deceased spouse and include total on line 35c.

1. Maximum deduction allowed for surviving spouse based on age of deceased spouse had he/she lived (\$3,000 or \$10,000 per deceased spouse). 1. _____
2. Qualified retirement income received as surviving spouse included in federal form (taxable IRA Distributions, Pensions & Annuities). 2. _____
3. Amount on line 1 or 2, whichever is smaller. Enter on line 35c. 3. _____

Line 36 - AGE 65 AND OLDER DEDUCTION FOR SOUTH CAROLINA RESIDENTS

You must have been a resident for at least part of the year in order to claim this deduction. A resident taxpayer age 65 or older is entitled to a deduction of \$15,000 against any SC income. Line 36a applies to the taxpayer whose name appears first on the return. Line 36b applies to the spouse whose name appears second on the return. The amount of the deduction on 36a is **reduced by any individual** retirement deduction claimed on line 35a. The amount of the deduction on 36b is reduced by any individual retirement deduction claimed on line 35b. The age 65 and over deduction is **not reduced by any surviving spouse** retirement deduction claimed on line 35c.

Worksheet for Taxpayer for line 36a:

1. Maximum deduction allowed for taxpayer. 1. **\$15,000**
2. Amount claimed on **line 35a** for the taxpayer who is age 65 or older. 2. _____
3. Subtract line 2 from line 1. Enter this amount on line 36a. **Do not enter an amount less than zero.** 3. _____

Worksheet for Spouse line 36b:

1. Maximum deduction allowed for spouse 1. **\$15,000**
2. Amount claimed on **line 35b** for the spouse who is age 65 or older 2. _____
3. Subtract line 2 from line 1. Enter this amount on line 36b. **Do not enter an amount less than zero.** 3. _____

Line 37 - DEPENDENTS UNDER SIX YEARS OF AGE

You must have been a resident for at least part of the year in order to claim this deduction. A deduction is allowed for each dependent claimed on the federal income tax return who had not reached the age of six years by December 31 of the tax year. Furnish the date of birth and Social Security Number(s) in the available blanks. If additional space is needed, attach a separate sheet with the requested information. Use the following worksheet to compute the deduction:

2011 Federal Personal Exemption Amount \$3,700

Number of dependents claimed on your 2011 federal return **who had not reached age six during the tax year** X _____

Allowable deduction, enter this amount on line 37 _____

Line 38 - CONTRIBUTIONS TO THE SC COLLEGE INVESTMENT PROGRAM ("FUTURE SCHOLAR") OR TO THE SC TUITION PREPAYMENT PROGRAM

You may deduct 100% of any contributions to the SC College Investment Program ("Future Scholar") made between January 1, 2011 and through April 15, 2012. You may deduct 100% of any contributions to the SC Tuition Prepayment Program made between January 1, 2011 and December 31, 2011.

Line 39 - ACTIVE TRADE OR BUSINESS INCOME

Enter the amount from I-335, Line 5.

Line 40 - OTHER SUBTRACTIONS

Enter on line 40, Column B, any other deductions for which there is no line provided. Other deductions include Reserve or National Guard income received for weekend drills and customary training periods; subsistence allowances for law enforcement officers and full-time firefighters and emergency medical service personnel; volunteer firefighters, rescue squad members, HAZMAT members, reserve police officers, DNR deputy enforcement officers, or State Guard members; special needs child adoption deductions; deduction for purchase of economic impact zone stock; and a deduction for amounts contributed to and interest income earned by a Catastrophe Savings Account. These deductions are allowable only if the corresponding income is reported in Column B. **See SC1040 instructions for a detailed explanation of these deductions.**

Line 42 - TOTAL SOUTH CAROLINA ADJUSTMENTS

Subtract line 41 from line 33. For example, if line 33 is -0- and line 41 is \$3,000, enter (\$3,000) as a negative entry on line 42.

Line 44 - PRORATION

Divide the amount on line 32, Column B, by the amount on line 32, Column A. Enter the result on line 44. You may round to the second decimal.

Line 45 - DEDUCTIONS ADJUSTMENT

If not itemizing, enter the standard deduction from your federal form.

If you itemized deductions on your federal return:
(Keep this worksheet for your records)

Part I

Itemized deductions from your federal Form 1040.

I. _____

Part II

If you deducted state and local income taxes or general sales taxes while itemizing on your 2011 federal income tax return, you must subtract all or part of this amount. Use the following worksheet to figure the adjustment:

Worksheet A - State Tax Adjustment

1. Itemized deductions from 2011 federal Form 1040 1. _____
2. Enter allowable federal standard deduction you would have been allowed if you had not itemized. **Enter zero if married filing separate [MFS] returns. (See federal instructions)** 2. _____
3. Subtract line 2 from line 1. (Enter zero if line 2 is greater than line 1.) 3. _____
4. Enter the amount of state and local income taxes (or general sales taxes) from federal Schedule A. 4. _____
5. The lesser of line 3 or line 4. Enter this amount on line 45, Part II of Schedule NR. 5. _____

Part III

Total amounts of other expenses which were included in the federal itemized deductions. Other expenses include:

- Expenses deducted on the federal return related to any income that is exempt or not taxed by South Carolina. Some examples are investment interest to out-of-state partnerships and interest paid to purchase United States obligations.
- Miscellaneous federal estate tax deduction on income of decedent.

Enter the total amount of other expense. III. _____

Part IV

Total Deductions Adjustment. Subtract state income taxes (Part II, Worksheet A, line 5) **and** other expenses (Part III) from itemized deductions (Part I).

Enter here and on line 45. IV. _____

Line 46 - FEDERAL PERSONAL EXEMPTIONS

Enter the amount of your federal personal exemptions from your federal form. Form 1040EZ filers enter zero.

Line 49 - SC TAXABLE INCOME

This amount should be entered on line 5 of SC1040. If less than zero, enter zero.

IMPORTANT REMINDERS

- **Check the Schedule NR box on the front of the SC1040.**
- **Schedule NR and a copy of your federal return must be attached to a completed SC1040.**
- **Do not submit Schedule NR separately. Your return cannot be processed if Schedule NR is submitted separately.**
- **Record Keeping: keep a complete copy of your return, including attachments. Do not mail your only copy of any tax document.**
- **We are unable to process your return if filed without a social security number or individual taxpayer identification number (ITIN).**

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

The Family Privacy Protection Act

Under the Family Privacy Protection Act, the collection of personal information from citizens by the Department of Revenue is limited to the information necessary for the Department to fulfill its statutory duties. In most instances, once this information is collected by the Department, it is protected by law from public disclosure. In those situations where public disclosure is not prohibited, the Family Privacy Protection Act prevents such information from being used by third parties for commercial solicitation purposes.